

IN THE CLAIMS

Pending Claims 27-46, 48, 49, and 53-55 are reproduced below with markings to show changes to the claims relative to the issued patent. Please amend Claim 54 as follows:

27. A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis along a longitudinal axis of the hull, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side.

28. The watercraft according to Claim 27 additionally comprising an exhaust manifold mounted to the engine body on the first side of the plane so as to communicate with the at least one exhaust port.

29. A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side, an exhaust manifold mounted to the engine body on the first side of the plane so as to communicate with the at least one exhaust port, a forward facing outlet provided on the exhaust manifold, and an exhaust passage extending from the outlet of the exhaust manifold, around a forward end of the engine body and to the expansion chamber.

30. A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side, an exhaust manifold mounted to the engine body on the first side of the plane so as to communicate with the at least one exhaust port, an outlet provided on the exhaust manifold and positioned at a forward end of the engine, an exhaust passage connecting the outlet with the expansion chamber, and a first water jacket in thermal communication with the exhaust passage.

31. The watercraft to according to Claim 30 additionally comprising a second water jacket in thermal communication with the expansion chamber, the first and second water jackets being in fluidic communication with each other.

32. The watercraft according to Claim 31 additionally comprising a third water jacket in thermal communication with the exhaust manifold, the third water jacket being in fluidic communication with the first water jacket.

33. The watercraft according to Claim 31 additionally comprising a third water jacket in thermal communication with the engine body, the third water jacket being in fluidic communication with the first water jacket.

34. The watercraft according to Claim 31 additionally comprising a water jacket discharge provided downstream from the expansion chamber, the water jacket discharge configured to discharge water from the second water jacket into exhaust gases which flow through the exhaust system.

35. The watercraft according to Claim 34, wherein the water jacket discharge is provided at an elevation below the downstream end of the expansion chamber.

36. A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the

engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side, an intake manifold mounted to the engine body on the second side of the plane so as to communicate with the least one induction port, the expansion chamber being arranged above the induction port.

37. A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side, wherein the cylinder axis is inclined with respect to a vertical plane.

38. The watercraft according to Claim 37, wherein the at least one cylinder is provided in a first cylinder block and the engine further comprises a second cylinder block arranged in a V-type configuration with respect to the first cylinder block.

39. A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an expansion chamber

having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side, wherein the entire expansion chamber is positioned on the second side of the plane.

40. A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side, and a watertrap communicating with the expansion chamber and positioned downstream from the expansion chamber.

41. The watercraft according to Claim 40, wherein the watertrap is positioned on the second side of the plane.

42. The watercraft according to Claim 40, wherein the expansion chamber is provided at an elevation above the watertrap.

43. A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the

first side, wherein the expansion chamber is inclined with respect to the output shaft such that the upstream end is higher than the downstream end.

44. A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side, and a hull tunnel formed on a lower surface of the hull and having a side wall, the exhaust discharge configured to discharge exhaust gases through the side wall of the hull tunnel.

45. A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side, wherein the expansion chamber is positioned above the engine body.

46. The watercraft according to Claim 27, wherein the engine is a two-cycle, crankcase compression internal combustion engine.

47. Canceled

48. A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling an output

shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side, wherein the portion of the expansion chamber extends longitudinally along a side of the engine opposite the exhaust port.

49. A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling an output shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side, and at least one intake port included on the engine body, the intake port being provided on the second side of the plane.

50. Cancelled

51. Cancelled

52. Cancelled

53. A watercraft comprised of a hull defining an engine compartment, an engine contained within the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body journaling a shaft to rotate about a rotational axis, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the shaft, an intake manifold mounted to the engine body on a first side of a plane which contains the cylinder axis and the rotational axis of the shaft, the exhaust system extending from the engine body, first forwardly, then upwardly and then rearwardly toward the exhaust discharge, the exhaust

system also including expansion chamber, at least a portion of the expansion chamber being disposed in the rearwardly extending portion of the exhaust system and being disposed on the first side of the plane.

54. (Amended) A watercraft as recited in Claim 53, wherein at least a portion of the expansion chamber is disposed higher than the intake manifold.

55. A watercraft as recited in Claim 53, wherein the expansion chamber is the furthest upstream expansion chamber in the exhaust system.

56. A watercraft as recited in Claim 27, wherein the portion of the expansion chamber extends along a side of the engine body.

### **COMMENTS**

Claims 1-46, 48, 49, and 53-56 remain pending in the present application, Claim 54 having been amended.

In response to the Office Action mailed November 28, 2003, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

#### **Supplemental Declaration Under 37 C.F.R. § 1.175**

Applicants will file a Supplemental Declaration in light of the amendment to Claim 54 set forth above.

#### **Original Patent is Forthcoming**

At page 2 of the Office Action, the Examiner has indicated that the original patent, or an affidavit or declaration, must be received before the reissue application can be allowed. Thus, Applicants will file the original patent or an appropriate affidavit accordingly.

#### **The Subject Matter Claim 54 Does Not Constitute New Matter**

Claim 54 stands rejected under 35 U.S.C. § 112, First Paragraph for failing to comply with the written description requirement, as well as constituting new matter. Applicants respectfully disagree. However, in order to expedite the prosecution of the present application, Applicants have amended Claim 54. Applicants hereby expressly reserve the right to further prosecute the un-amended version of Claim 54 through continuation practice.

The Examiner indicated that Claim 54 was rejected based on the recitation "the expansion chamber being disposed above the intake manifold." Applicants have amended Claim 54 to change the term "above" to "higher than." This feature is clearly shown in Figure 7. Applicants therefore submit that Claim 54 is fully supported by the specification as originally filed.

### **CONCLUSION**

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.



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Reissue of Patent No.: 5,853,308

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

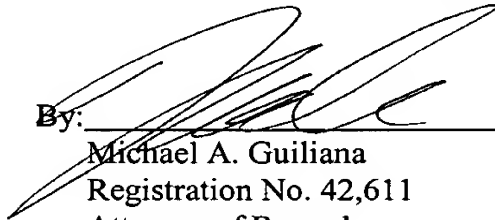
Respectfully submitted,

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Dated: \_\_\_\_\_

3/1/04

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